

sitions advanced in his argument from Scripture. I leave him in the hands of the gentleman from Kent (Mr. Chambers) and the gentleman from Prince George's, (Mr. Clarke.) I had hoped that the report from the Committee on the Declaration of Rights, following exactly in this respect the language of the old Declaration of Rights, the Magna Charta of the people of Maryland, would have been adopted without any attempt on either side of the House to engraft upon it an amendment so widely differing from the article as reported by the chairman of the committee to this House. I had hoped it might stand in its fullness, in its integrity, that no conviction should work corruption of blood or forfeiture of estate. What light has dawned upon the mind of the chairman of the committee since he made that report a fortnight ago? What additional reasons exist now that did not exist then he has not seen fit to tell us. I cannot answer for any gentleman's motives. But I proceed briefly to argue one or two propositions that have been argued—of law and not of Scripture.

My friend from Howard, (Mr. Sands,) in the course of his argument on yesterday, made a great flourish of his opinion upon this subject of Constitutional law. "I give," said he, "my opinion to this Convention. I will not confine it to the limits of this Hall. I am content that it shall go forth through the broad extent of this land, and upon the wings of electricity, that the world may know it."

Mr. SANDS. If the gentleman will permit me I will suggest that my opinion was given because it was asked for by the gentleman from Prince George's (Mr. Clarke.) It was not forced upon the Convention. It was drawn from me.

Mr. EDELEN resumed. I understood him to insist upon his interpretation of that article in the Federal Constitution as the true one; I understood the chairman of the committee to agree with him, and the gentleman from Caroline (Mr. Todd) took the same ground upon that point. I now briefly call the attention of the Convention to the words of that article, intelligible not alone to gentlemen whose business it has been to study legal provisions and constitutions, but so plain, and in such simple and positive language that he who runs may read its meaning. I will read from one of the ablest commentaries on the Constitution of the United States. [3 Story, 169.]

"The third section of the fourth article gives a constitutional definition of the crime of treason, (which will be reserved for a separate examination,) and then provides: 'The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.'"

Now apply the simple rule of interpretation to this section that we are to apply to the construction of all laws, and all enactments, that you must construe the whole together, and not disconnect one part from another, give to each word its full meaning or import, "*up res majis valeat quam pereat*," and it seems to me its construction is clear beyond doubt or cavil.

Congress shall have power to declare the punishment of treason. With what restriction? With what qualification?—Congress shall have power to say that a man who has committed treason and been convicted thereof, shall be hanged by the neck. They have the power to say that he shall be incarcerated in the penitentiary. They may go further than that, and in the language of Blackstone, quoting the common law, they may enact

1. That the offender be drawn to the gallows, and not be carried or allowed to walk.
2. That he be hanged by the neck, and cut down alive.
3. That his entrails be taken out and burned, while he is yet alive.
4. That his head be cut off.
5. That his body be divided into four parts.

They may provide all this, and the only objection to it would be that such punishments would not be in keeping with the civilization and humanity of the age in which we live. But they cannot decree the forfeiture of estate beyond the life of the offender. They cannot tread that ground. Any act of Congress made in contravention of that provision would be unconstitutional and void, and would be so declared by any court in this country. I will proceed to read the comments of Judge Story, to whom my friend from Kent (Mr. Chambers) has referred:

"The propriety of investing the National Government with authority to punish the crime of treason against the United States could never become a question with any persons who deemed the National Government worthy of creation or presumption. If the power had not been expressly granted, it must have been implied, unless all the powers of the National Government might be put at defiance and prostrated with impunity. Two motives probably concurred in introducing it, as an express power; one was, not to leave it open to implication, whether it was to be exclusively punishable with death according to the known rule of the common law, and with the barbarous accompaniments pointed out by it; but to confide the punishment to the discretion of Congress. The other was to impose some limitation upon the nature and extent of the punishment, so that it should not work corruption of blood or forfeiture beyond the life of the offender."

That is what Judge Story says upon that point, and it seems to me that it surely puts that point at rest. The gentleman from Bal-